



July 17, 2017

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Dear Ms. Dortch:

Daily Kos, www.dailykos.com, was started in 2001 as an online political community for speaking out against the Bush Administration and the Iraq war. Since then, our community has grown to over 20 million site readers each month. As an independent media outlet, the largest progressive community on the internet, and a small, internet-based business, we urge the FCC to support net neutrality with the strongest legal authority, using Title II of the Communications Act.

Free Speech, Diversity of Voices, and Media Consolidation

The internet is now the home of the free press and fourth estate, which is vital to our democracy and political discourse. Internet-based journalism, including citizen journalism, has helped uncover corruption, police brutality, racial injustice, gender injustice. The internet is a two-way communication tool that is vital to our democracy, allowing people to be both content consumers and content creators with easy participation.

Our organization needs robust net neutrality rules to continue our mission as an independent media outlet and political community. In an increasingly consolidated media landscape, we offer a platform where anyone can express their views, engage in community discourse, and provide much-needed reporting and storytelling in our democracy.

Without strong net neutrality, our community would surely face harm—as a result of blocking, throttling, or paid prioritization—and our site, our users, or both would likely be silenced because larger, consolidated media organizations would gain a clear advantage.

Bright-line Rules (No Blocking, Throttling, or Paid Prioritization)

Vibrant online communities of democratic discourse produce the future of ideas and innovation. The community at Daily Kos is one of the largest websites in the U.S.A, measured by unique users, yet as a small company with fewer than 60 employees; we could not pay to compete with other websites of a similar size.

As an online media platform and community, we need bright-line rules to protect our business, community, and political organizing which are only possible when the authority of Title II of the Communications Act is used. Without clear, enforceable bright-line rules, competing organizations could pay to gain an unfair advantage against our organization because of our political beliefs and electoral organizing. There are real incentives for our competitors to pay to gain an edge over us.

As independent media, in a world of media consolidation, we need rules grounded in Title II of the Communications Act to protect us from threats from ISPs and corporate media. Corporate media companies have significantly more money and could pay to block, throttle, or degrade our service and ability to reach our audience. Title II net neutrality is the only legal apparatus to keep this anti-net neutrality, monopolistic behavior in check.

Allowing these monopolies to control content or user traffic on the internet will create the same harms that have plagued broadcast and print media, which now only serve pre-packaged, horse-race content distributed through wire services, which do little to serve local public interests.

Parity Between Mobile and Fixed Services

We need parity between mobile and fixed broadband. More than ever, our audience visits Daily Kos on mobile, while people are on work breaks, commuting, or during other daily rituals. Mobile users deserve the same quality internet, protected by strong Title II net neutrality, as users accessing the web on broadband.

Mobile is the main source of internet access for young people, people who live in rural areas, and people in marginalized communities, especially people of color. By treating mobile differently, the FCC is facilitating discrimination—they are creating a separate and unequal way to access information.

The Internet is a Telecommunications Service

By the most fundamental definitions, the internet is a telecommunications system with two-way transfer of communications and interconnected dialogue; it is not a push-method information system, commonly associated with an information service.

As a vital telecom infrastructure, traffic manipulation and paid prioritization schemes should be carefully regulated against, and the FCC is the most equipped agency to do so.

Additionally, ISPs advertise their Internet service as *infrastructure* and consumers understand they are buying an on-ramp to the internet, not a curated service. Consumers sign up for access to the pipes and wires that lead to the internet. This is how people understand Internet Service Providers (ISPs) and this is how ISPs advertise their service: as access to the internet, not a curator service. ISPs do not operate in the business of content—they operate in the business of access.

Consumers do not want ISPs and corporations to curate content or determine where to go on the internet. Consumers don't buy internet service for an email address, anti-virus software, or other bundled packages they don't use; they buy the ISP's products because they often don't have a choice in carriers, but depend on vital internet service. Everyone can get a free email, cloud storage, or anti-virus software, and most people do so independent of their ISP. The only unique offering the ISP has to sell is its access to the internet. This is why ISPs are common carriers under telecommunications providers, not information services.

Conclusion:

As an internet-based business, media outlet, and political community we need strong, bright-line net neutrality rules that are based on Title II of the Communications Act. The 2015 Open Internet Order got it right—those are the rules we need to continue to have an open internet. We are content creators, with a vibrant and ever-growing online community, who need full access to a fair and level playing field on the internet. This will only happen if ISPs are fully classified and regulated as Telecommunication Services and prevented from blocking, throttling, or creating pay-to-play schemes.

Sincerely,

Rachel Colyer
Senior Campaign Director, Daily Kos